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09/605,848	06/29/2000	Lewis Dean Dodrill	95-418	7958

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EXAMINER

WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,848

Applicant(s)

DODRILL ET AL.

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-41 have been presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e) from provisional application 60/152,316 filed on September 3, 1999.

Information Disclosure Statement

3. The information disclosure statement (IDS) that was submitted on March 26, 2001 is being considered by the examiner.

Drawings

4. The drawings are objected to because in Fig. 1, portions of the drawing are illegible. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

6. The disclosure is objected to because of the following informalities:

page 11, line 18, "were" should be --where--.

Appropriate correction is required.

7. Applicant is reminded that embedded hyperlinks and/or other forms of browser-executable code are impermissible and require deletion. The attempt to incorporate subject matter into the patent application by reference to a hyperlink and/or other forms of browser-

executable code is considered to be an improper incorporation by reference. See MPEP 608.01(p), paragraph I regarding incorporation by reference. Appropriate corrections is required to the specification on page 9, line 20.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 5, 22, 28 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The above claims recite the limitation "the second HTML page". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-4, 6, 7, 11-14, 17, 19-21, 23, 27-31, 33, 34 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,974,449 to Chang et al.

Chang et al. discloses a method in an application server for initiating inter-process communication between non-persistent application sessions, as claimed in claim 1, the method comprising:

determining whether a second party is available to receive a message established in an application session of a first party (column 2, lines 36-38; Note that determining if a recipient is logged on to a network is determining whether a second party is available to receive a message.); and

based on the determined availability of the second party, generating a HTML page having instructions for a browser to notify the second party of a new application session for the second party so as to present the message to the second party (column 2, lines 43-46; Note that forwarding a message via one of the networks used by the system is generating a HTML page, the network used being the Internet.).

As per claim 2, Chang et al. discloses wherein the generating step includes inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party to create the new application session for the second party (column 8, lines 49-62).

As per claim 3, Chang et al. further discloses generating a new session identifier that specifies the new application session for the second party, wherein the URL includes the new session identifier for interrupting a present session of the second party with the new application session (column 8, lines 49-62).

As per claim 4, Chang et al. further discloses initiating an application instance for execution of the new application session for the second party based on a server-side data record

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configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the URL from the browser (column 8, lines 63-37 and column 9, lines 1-3).

As per claim 6, Chang et al. discloses wherein the determining step includes accessing a registry locally accessible by the application server, and the method further including updating the registry to indicate that the first party is available for messaging operations (column 2, lines 39-43).

As per claim 7, Chang et al. further discloses storing the message in a data store of the second party (column 2, lines 42-43).

8. The method of claim 7, wherein storing of the message is performed in accordance with IMAP protocol.

As per claim 11, Chang et al. discloses wherein the message is a voice message and the HTML page includes instructions for playing the voice message (column 8, lines 54-58).

Chang et al. discloses a method for inter-process communication between non-persistent application instances, as claimed in claim 12, the method comprising:

establishing a first non-persistent application instance serving a first party; establishing a second non-persistent application instance serving a second party; and
generating, in the first application instance, an HTML page having instructions for a persistent browser instance, having received the HTML page, to initiate a new application session for the second party (column 2, lines 36-46).

In considering claim 13, Chang et al. further discloses accessing, by at least one of the first and second application instances, a common resource over an IP network (column 8, lines 49-62).

In considering claim 14, Chang et al. discloses wherein the common resource is a registry, the method including accessing the registry to determine whether the second party is currently active in the second application instance (column 2, lines 39-43).

In considering claim 17, Chang et al. further discloses wherein the first application instance is established in first application server and the second application instance is established in a second application server (column 4, lines 25-55).

In considering claim 19, Chang et al. further discloses initiating an application instance for execution of the new application session for the second party based on a server-side data record configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the HTML page from the browser (column 8, lines 63-67 and column 9, lines 1-3).

Chang et al. discloses an application server configured for executing a messaging application (see column 1, lines 10-14), as claimed in claim 20, the application server including:

an application runtime environment configured for dynamically generating, for a first party, a hypertext markup language (HTML) document having instructions for a browser to notify a second party of a new application session for the second party, based on a determination that the second party is available to receive the HTML document, the application runtime environment being configured to access a common resource containing information regarding both the first and second parties (column 2, lines 36-43).

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In considering claim 21, Chang et al. discloses wherein the HTML page has instructions to interrupt a present application session of the second party to create the new application session for the second party (column 8, lines 49-62).

In considering claim 23, Chang et al. discloses wherein the common resource includes a registry and the application runtime environment is configured to access the registry and to update the registry to indicate that the first party is available for messaging operations (column 2, lines 39-43).

In considering claim 27, Chang et al. discloses wherein the common resource includes a registry and the application runtime environment is configured to access the registry and to determine whether the second party is available to receive the message (column 2, lines 39-43).

Chang et al. discloses a computer readable medium having stored thereon sequences of instructions for initiating inter-process communication between non-persistent application sessions, as claimed in claim 28, the sequences of instructions including instructions for performing the steps of:

determining whether a second party is available to receive a message established in an application session of a first party (column 2, lines 36-38; Note that determining if a recipient is logged on to a network is determining whether a second party is available to receive a message.); and

based on the determined availability of the second party, generating a HTML page having instructions for a persistent browser to notify the second party of a new application session for the second party so as to present the message to the second party (column 2,

lines 43-46; Note that forwarding a message via one of the networks used by the system is generating a HTML page, the network used being the Internet.).

Referring to claim 29, Chang et al. wherein the generating step includes inserting a uniform resource locator (URL) within the HTML page causing the browser to request interruption of a present application session of the second party to create the new application session for the second party (column 8, lines 49-62).

Referring to claim 30, Chang et al. further discloses generating a new session identifier that specifies the new application session for the second party, wherein the URL includes the new session identifier for interrupting a present session of the second party with the new application session (column 8, lines 49-62).

Referring to claim 31, Chang et al. further discloses initiating an application instance for execution of the new application session for the second party based on a server-side data record configured for storing a state of the new application session and selected based on the new session identifier, in response to receipt of the URL from the browser (column 8, lines 63-67 and column 9, lines 1-3).

Referring to claim 33, Chang et al. discloses wherein the determining step includes accessing a registry locally accessible by the application server, and the method further including updating the registry to indicate that the first party is available for messaging operations (column 2, lines 39-43).

Referring to claim 34, Chang et al. further discloses storing the message in a data store of the second party (column 2, lines 42-43).

Referring to claim 38, Chang et al. discloses wherein the message is a voice message and the HTML page includes instructions for playing the voice message (column 8, lines 54-58).

Chang et al. discloses an application server configured for executing a messaging application, as claimed in claim 39, the application server including:

means for dynamically generating, for a first party, a hypertext markup language (HTML) document having instructions for a browser to notify a second party of a new application session for the second party so as to present a message from the first party to the second party, based on a determination that the second party is available to receive the message (column 2, lines 36-43).

Referring to claim 40, Chang et al. discloses wherein the HTML page has instructions to interrupt a present application session of the second party to create the new application session for the second party (column 8, lines 49-62).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5, 22, 32, and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al.

Although the system disclosed by Chang et al. shows substantial features of the claimed invention, as discussed above, it fails to disclose that the HTML page includes a prompt enabling

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the second party to respond to the message. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang et al.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang et al. by employing the well known or conventional features of prompting a user to respond to a message in order to mitigate the burden on the user.

Claims 8, 16, 26, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al.

Chang et al. further fails to disclose storing and accessing the messages in accordance with IMAP protocol. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang et al.

Chang et al. discloses storing the message to be sent via email, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang et al. by employing the well known or conventional features of IMAP protocol in order to allow the user to retrieve messages efficiently from more than one computer.

15. Claims 9 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al.

Chang et al. further fails to disclose accessing attribute information of the second party to determine whether the second party authorizes receipt of the message from the first party. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang et al.

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A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang et al. by employing the well known or conventional features of authorization of message receipt in order to reduce the number of transactions performed.

16. Claims 10, 15, 25, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al.

Chang et al. further fails to disclose accessing the attributes according to LDAP protocol. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang et al.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang et al. by employing the well known or conventional features of LDAP protocol in order to allow for a simple protocol for updating and searching directories running over TCP/IP.

17. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al.

Chang et al. further fails to disclose that the common resource is accessible via an application programming interface (API). Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang et al.

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang et al. by employing the well known or conventional features of API in order to efficiently direct the performance of procedures by the operating system of the computer.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,038,296 to Brunson et al.

U.S. Patent No. 6,212,535 to Weikart et al.

U.S. Patent No. 6,269,336 to Ladd et al.

U.S. Patent No. 6,301,245 to Luzeski et al.

U.S. Patent No. 6,411,685 to O'Neal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

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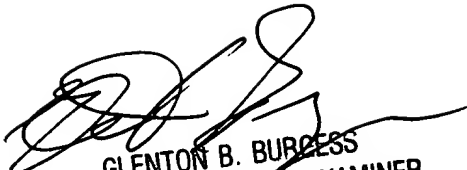
mw
mhw

Mareisha N. Winters

Patent Examiner

Art Unit 2153

February 23, 2003


GLENTON B. BURGESS
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